

**CITY COUNCIL MINUTES
OCTOBER 20, 2014, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

A work session was held at 6:00 p.m. preceding the meeting. A presentation was given by Kathy Tri on the Chehalem Pool Renovation bond measure and the need for improvements to the pool because of its age and condition. Yamhill County Commissioner Allen Springer spoke about the county's Economic Development programs including applications for strategic investment grants for private companies from Oregon Lottery money. A presentation was given by Jackie Lang, Senior Communications Manager of Waste Management of Oregon on the GREEN4GROWTH grant program, which is a program for cities in Yamhill County. She encouraged the City to apply in January 2015 with awards to be given in spring 2015. She also spoke about the Riverbend Master Plan, which is the proposed new landfill for Yamhill County.

All Councilors, the Mayor, City Manager, City Attorney, the Interim Planning and Building Director, and the City Recorder were present. No action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Andrews called the meeting to order at 7:00 p.m.

II. ROLL CALL

Members Present:	Mayor Bob Andrews	Denise Bacon	Mike Corey
	Bart Rierson	Stephen McKinney	Lesley Woodruff
	Ryan Howard		

Staff Present:	Jacque Betz, City Manager	Truman Stone, City Attorney
	Sue Ryan, Interim City Recorder	Mary Newell, PD Support Services Manager
	Brian Casey, Chief of Police	
	Steve Olson, Interim Planning and Building Director	

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Ms. Jacque Betz, City Manager, said the Interim Finance Director and she had been working on the budget. She said there would be a presentation at the Nov. 17 Council meeting on the City's current financial situation.

She said there is a marketing agreement with the Chehalem Valley Chamber of Commerce that expires in June 2015 and the director is here this evening to give a presentation. She said she would need to meet with the Council in separate meetings about their feelings about the contract and the direction they wish it to take. She said there would be an update on the Transient Lodging Tax (TLT) during the meetings with the Council.

Sheryl Kelsh, Executive Director for Chehalem Valley Chamber of Commerce, gave a presentation on the services the Chamber had provided during the past five years with the TLT monies. She said she was looking for more specific feedback from the city Council on what they want.

CM Betz said she would provide the Council with a copy of the marketing agreement before they meet.

V. PUBLIC COMMENTS

Mayor Andrews said they had received written public comments from Mr. Robert Soppe (Exhibit A).

Councilor Rierson asked clarification on Mr. Soppe's comments and whether information is entered into the record automatically depending upon when it is submitted.

Mayor Andrews said they would discuss it in Council Business.

VI. CONSENT CALENDAR

MOTION: Rierson/Corey moved to approve the October 6, 2014 City Council meeting minutes as amended, approving **Resolution No. 2014-3164**, A Resolution authorizing the City Manager approve the lease purchase of one replacement vehicle for the Newberg-Dundee Police Department and reimburse itself from the proceeds of a tax-exempt financing, approving **Resolution No. 2014-3167**, A Resolution adopting the Yamhill County Multi-Jurisdictional Hazard Mitigation Plan. Motion carried (7 Yes/0 No)

VIII. PUBLIC HEARING

Mayor Andrews opened the hearing on **Order No. 2014-035**, An Order Establishing a Public Safety Fee in the amount of two (2) dollars per Residential Meter Equivalency (RME) per month for the purpose of funding two (2) communications officers in the City of Newberg at 7:13 p.m.

Mayor Andrews called for Abstentions, Bias, Ex-Parte Contact, and Objections to Jurisdiction. There were none.

City Attorney Stone said this being a non-land use quasi-judicial there were no announcements.

Staff Report: City Attorney Truman Stone explained the background of the measure described in the staff report (Exhibit B). He referred to the first exhibit, Ordinance No. 2009-2714, which the City Council set out criteria for implementing specific public safety fees and that the criteria had to be found to be met in order to produce the findings to provide the mechanism for the fee. He said that was the format created in the Municipal Code.

Newberg-Dundee Police Chief Brian Casey said dispatch center is not part of the Police Department but supports several departments in addition to their dispatch duties. He said that it is the one division with the greatest staffing efficiency in the City and they have been down two dispatchers and working overtime. He said it is difficult on them because of the short staffing. He said the City of Newberg chooses to have its own 9-1-1 Center, they need to be responsible in staffing it responsibly. He said it makes it difficult for employees to take breaks and go on vacations. He encouraged the Council to consider the order.

Mary Newell, Support Services Manager, said from September 18 to October 1 they had 231 hours of overtime. She said they were scheduling multiple 12-hour shifts per worker. She said regarding the Administrative Report there was a list of criteria that had to be met for the Order. She explained how the vacant position would mean they will have a one year training period before they can work independently.

Mayor Andrews asked about the charges as outlined in the meter size chart. CA Stone answered that the factor is a multiplication based on the meter size and about 70 % of the entities, which are single family homes, will

pay \$2 per month. Mayor Andrews asked about if a contractor wanted to put a meter on a fire hydrant to draw water. CA Stone said that would not be subject to the fee as the fee is assessed on developed properties with permanent meters. Mayor Andrews asked if the chart on anticipated revenues and expenses for the fiscal years through 2018 if the budget increases were results of the CPI or city growth or both? CA Stone said there is a CPI index built into the order as it stands and it would be assessed every July 1 based on the calendar for the prior year. He said the budget does not have the CPI increase built in but are numbers projected during the budget process and were based on growth. Mayor Andrews said these were based on growth but there could be numbers based on CPI. He said looking at the converse, in looking at the annual budget based on two RMEs there is an increase in the amount of expenses. He asked what it was based on. CM Betz said there is a police association that has a negotiated contract with the City so there is an escalator cost in the figures for compensation that is tied to their agreement to reflect an anticipated personnel cost. She said it was not put in the 2009 one for the Police Officers and the City Council may want to add it in during the next budget cycle to insure that increase is being captured.

Councilor Rierson asked how many dispatchers they would be hiring. SSM Newell explained the hiring plans were to fill a current vacancy and possible one additional position. Councilor Corey asked if the \$2 covered one person or two individuals. Chief Casey said they were transferring the cost of one dispatcher out of the general fund and into the Public Safety Fee. He said they were only adding one new position but the fee would cover two positions. Councilor Corey asked about the overtime being paid out now and where was it being paid from. Chief Casey said there was not necessarily a contingency fund in the dispatch budget but it will have to come out of the overtime fund and hopefully they will underspend in other line items to compensate. He said if not the City may need to consider a supplemental budget to balance. CM Betz said this is another example of a fee introduced during the budget that was used to balance the budget but wasn't collected as it was supposed to go into effect July 1. She said it most likely would not be implemented until December 1 and it means there is an approximate shortfall of \$120,000 to the budget.

Councilor Rierson asked if it's a position not funded then it's not an actual shortfall as the expenditures for the position have not been there. CM Betz said the overtime costs for the dispatch center had been exorbitant and she wants to be cautious that revenue is lining up with expenditures in the adopted budget. Councilor McKinney said they had already discussed this issue during the budget season when they were in crisis and getting it passed tonight still won't catch up the department's budget. He said this proposal helps to catch up but does not solve the overall issues the City is facing with its budget.

Mayor Andrews said they will be in deliberations shortly. He referred to Exhibit C and the implementation was proposed through the November water bill but it would be up to the City Manager to implement as soon as possible.

CA Stone said there was a desire to make the customers aware of the upcoming charge before it's implemented and that is why the language has that flexibility.

Public Testimony:

Proponents: None

Opponents: None

Undecided: None

Question:

Public Agency Letters or Comments:

Close of Public Testimony: Mayor Andrews closed the hearing at 7:39 p.m.

Final Comments from Staff and Recommendation: Chief Casey recommended passage. CA Stone said Exhibit D was the specific findings of fact for the order.

Deliberations:

Councilor Howard expressed a concern about funding the position with fees rather than property taxes. He said the utility billing issues should be resolved before adding the increase because of the recent scrutiny. He said he was not opposed to the findings but is concerned about moving forward before addressing utility billing concerns.

Councilor Corey said he understood the concerns but this was brought up in the budget committee session and there was not concerns expressed at that time by the public. He said he would support the order.

Councilor Bacon said she supported it because they needed the support and she had seen the stress on the 9-1-1 centers.

Councilor Woodruff said she supported it and she does not have any questions about the measure but about the timing due to the utility billing issues.

Councilor McKinney said he supported the order but the discussion about the utility billing issue needs to be addressed by Council. He said he recognized the order but that the order does not deal with the full issue. He said he was in support of the order presented to them.

Mayor Andrews said he was in support of the order presented to the Council. He appreciated the concerns Councilor Howard brought up but that there is flexibility between the time the order is adopted and implemented.

CM Betz said she could address the utility billing now or later under Council Business and the timing of when it would be implemented. Mayor Andrews said we take it up under the Council Business as a separate item.

Councilor Howard said what was the concern of staff in delaying this decision. CM Betz said it was approximately a \$7,000 loss each month that the fee is not implemented.

Action:

MOTION: Rierson/Bacon moved to adopt **Order No. 2014-0035**, an Order Establishing a Public Safety Fee (PSF) in the amount of two (\$2.00) dollars per residential meter equivalency (RME) per month for the purpose of funding two communications officer positions. Motion carried (6 Yes/1 No [Howard])

X. COUNCIL BUSINESS

Mayor Andrews talked about the state resiliency plan including a report on the possibility of a state subduction event.

Mayor Andrews brought up Mr. Soppe's written testimony regarding written comments. He said with the recent agenda publication changes that it also changes how the Council does business and affects their Council Rules. Councilor Rierson said he would like staff to bring it back. CM Betz said she could draft a response and send it out to the Council. She said she would prefer to send a response first before they would schedule a change in Council Rules as an agenda item. There was discussion on the inconsistency with the Council Rules.

Councilor Howard said he was active in the Facebook discussion threads and that one issue that has been prevalent is the concern about the new timelines with the utility billing. He said he knew the plan to change the timeline was well thought out but now that it had been implemented he would like to know how the issue is being addressed.

CM Betz said the issue had been confusing and she had updated the Council. She said people need to pay their utility bills but the issue of a group they are dealing with is vocal on social media. She said the last day, on Columbus Day, was a federal day and no mail was delivered. She said they did not shut off any service for anyone who was up to date. She said they took the names of everyone on social media and tracked them down and addressed the valid ones who. She said they will be doing a mid-month flier with a calendar and to explain the changes. She said they will also have a trained temp available during a two-week period of shutoff. She said this will help to handle the volume of callers. She said they would be posting some of the FAQs in the lobby to help address dwell time at the counter. She said the third month going into this issue that they are working on several ways to help with the concerns.

Councilor Howard said he appreciated the steps but he is still concerned about the timelines. He wanted more details.

Councilor Corey said he appreciated the customer service followup. He asked them to include in the letter that they could also pay online.

Councilor Howard said when he got his shutoff letter it stated for him not to pay online because it would not be enough time to receive the payment before the shutoff would take place.

Councilor McKinney asked if there would be additional expenses if they allowed the use of credit cards. CM Betz said yes.

Councilor Bacon said there were conflicting messages between the website and voicemail message.

Councilor McKinney complimented CM Betz for her handling of the situation.

There was a short recess from 8:10 p.m. to 8:16 p.m.

XI. EXECUTIVE SESSION

The Council entered executive session pursuant to ORS 192.660(2) (h) Rights and Duties regarding litigation to be filed – Potential Nuisance Abatement at 8:16 p.m. Staff present during the first executive session were Captain Bolek, Chief Casey and City Attorney Stone. The Council exited the first executive session at 9:25 p.m.

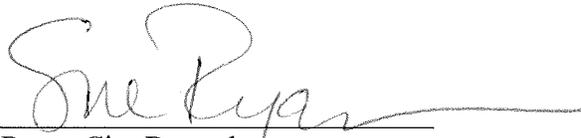
The Council entered executive session pursuant to ORS 192.660 (i) regarding Performance Evaluations of Public Officers and Employees – City Attorney at 9:30 p.m. Staff present during the second executive session was City Attorney Stone. The Council exited the second executive session at 9:55 p.m.

The Council entered open session at 9:55 p.m.

XI. ADJOURNMENT

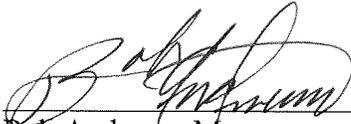
The meeting adjourned at 9:56 p.m.

ADOPTED by the Newberg City Council this 3rd day of November, 2014.



Sue Ryan, City Recorder

ATTEST by the Mayor this 4th day of November, 2014.



Bob Andrews, Mayor

October 20, 2014

I am submitting the following as written testimony for the Public Comments section of the October 20, 2014 City Council meeting:

I addressed the Council at the September 15, 2014 meeting regarding the difficulty in submitting written comments for Council meetings when the deadline was before the agenda was published. As I submitted in my written testimony last meeting, I was pleased to see that the Council had changed the policy to one where "Written testimony can be submitted to the Council the night of the meeting...". While I thought that this might create difficulties for the Council, it effectively and appropriately handled the issue of the ability of citizens to submit written testimony and to have it accepted.

I was more than a bit surprised when I listened to the audio of the October 6, 2014 meeting and heard what this new policy actually was. My written testimony was not automatically accepted; the Council felt the need to have a motion and a vote on whether or not the testimony would be accepted. The fact that there was a motion and a vote clearly implies that Council felt it had no obligation to accept the testimony. This is in sharp contrast to the older policy where written testimony that is submitted before 4:30pm on the Wednesday prior to the meeting would be automatically accepted and that written testimony received after that would be considered for acceptance by the Council.

As it appears, there is no longer an opportunity for a citizen to read the agenda and to submit written testimony that can be assured to be accepted, an opportunity that was present before the recent changes. This does not seem to be appropriate to me.

Consistent with the Council's policy about requests from the public at Council meetings (I'm not aware of this having been changed; if so, then I'll defer to the present policy) I would like to submit the following questions as a request to the Council. Following that policy, I will wait patiently for a response by email or by U.S. Postal mail.

- 1) Is there an opportunity for a citizen to provide written testimony regarding a City Council agenda item that can be assured to be accepted (as used to be the case)?
- 2) If so, what is the deadline and the procedure for providing such written testimony?

Thank you in advance for your consideration of this matter.

Robert Soppe

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 20, 2014

Order XX Ordinance Resolution Motion Information
No. 2014-0035 No. No.

SUBJECT: An Order establishing a Public Safety Fee (PSF) in the amount of two dollars (\$2.00) per residential meter equivalency (RME) per month for the purpose of funding an two communications officer positions.

Contact Person (Preparer) for this Order: For Facts: Chief Brian Casey
For Document Questions: Truman A. Stone
Dept.: Newberg-Dundee 9-1-1 Police Department with cooperation from the City Attorney's Office

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt Order No. 2014-0035 the Public Safety Fee (PSF) to fund an existing and new communications officer position.

EXECUTIVE SUMMARY:

The Newberg-Dundee 9-1-1 (Communications) is integral part of public safety. It is funded primarily by property taxes and the 9-1-1 fees collected by the State of Oregon on monthly telephones bills. (The 9-1-1 fee collected by the State is a \$0.75 tax imposed on any circuit or device capable of accessing the 9-1-1 network and is collected by communications providers offering such services.) Communications provides dispatching services for Newberg-Dundee Police and Newberg Fire and EMS; plus contractual services to the Newberg Rural Fire District, Dundee Fire District, and Dundee Rural Fire District. Staff is proposing a \$2.00 PSF to fund two (2) communications officers. A workload study was done in 2010 that recommended that four (4) communication officers be added to the department. Over the last three years, overtime costs have equated to the cost of one communications officer.

FISCAL IMPACT:

The PSF would be implemented by November 1, 2014. The PSF is recommended at \$2.00 per RME per month.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

Through this funding, the city would stabilize funding for one existing communications officer, and allow the hiring of an additional communications officer on a permanent basis. Communication services are essential services that are a part of the police department allowing the city to better meet its obligation to provide such services. It is the city's obligation to ensure that 9-1-1 calls are answered and appropriate resources are dispatched immediately.